

FIRST CLASS

— VACATIONS —

September 9th, 2016

United States District Court
Middle District Tennessee
Nashville Clerk's Office
801 Broadway, Room 800
Nashville TN 37203

**RECEIVED
IN CLERK'S OFFICE**

JAN 27 2017

**U.S. DISTRICT COURT
MID. DIST. TENN.**

Re: Civil Action No.# 3:2016cv02285

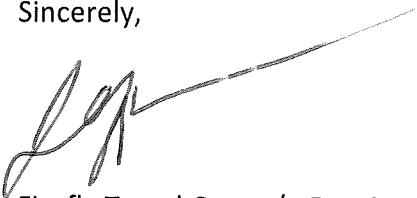
Attn. Clerks Office,

This is to serve as our official response to you Summons in a Civil Action No. 3:2016cv02285. Per our email exchange dated September 27, 2016 through October 18, 2016 outlines the various conversations and final agreement we settled upon. A "Settlement and Release Agreement" was reached on September 30, 2016. At this time our company transferred \$1,000.00 through PayPal Payment to Granite Enterprises, email address of bigcraig79@gmail.com.

Per our "Settlement and Release Agreement" it states Craig Cunningham (Plaintiff) agrees that this is a general release and settlement of all claims, demands, actions, causes of action, known or unknown, suspected or unsuspected, relating to the incident and matters described in Plaintiff's complaint. Furthermore, The Plaintiff hereby authorizes and directs his respective attorney to dismiss claims against defendant.

We respectfully request that this matter be officially closed and notification be sent to our company.

Sincerely,



Firefly Travel Corp c/o Reg Agent
First Class Vacations, Inc., c/o Reg Agent
Jeffrey Nahom

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Sign Up

Justia › Dockets & Filings › Sixth Circuit › Tennessee › Tennessee Middle District Court › Cunningham v. First Class Vacations, Inc. et al

Cunningham v. First Class Vacations, Inc. et al

Plaintiff:	Craig Cunningham
Defendant:	First Class Vacations, Inc., Jeffrey Nahom, Rebecca Nahom, Firefly Travel Corp. and John/Jane Does 1-10
Case Number:	3:2016cv02285
Filed:	August 26, 2016
Court:	Tennessee Middle District Court
Office:	Nashville Office
County:	Davidson
Referring Judge:	E. Clifton Knowles
Presiding Judge:	John T. Nixon
Nature of Suit:	Other Statutory Actions
Cause of Action:	47:227
Jury Demanded By:	Plaintiff

Access additional case information on PACER

Use the links below to access additional information about this case on the US Court's PACER system. A subscription to PACER is required.

Access this case on the Tennessee Middle District Court's Electronic Court Filings (ECF) System

- Search for Party Aliases
- Associated Cases
- Attorneys

United States District Court
Middle District Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.

CIVIL ACTION NO. 3:16-cv-02285

) First Class Vacations, Inc, Rebecca Nahom, Firefly Travel Corp. Peter Tolman dba
Leads Direct Marketing, and Peter Tolman

) John/Jane Doe 1-10

) Defendants.

)

) Defendants.

Plaintiff's Motion for clerk's entry of default

1. The Plaintiff hereby moves for the clerk to enter default against defendants First Class Vacations, Inc. and Firefly Travel Corp

First Class Vacations, Inc.

2. First Class Vacations, Inc., was served more than 21 days ago on 9/2/2016 and a return of service is on file, docket item 9 as proof of service. First Class Vacations Inc., was served via registered agent, Jeff Nahom at 1515 S. Federal Highway, ste 212, Boca Raton, FL 33432.
3. To date, no answer or other pleading has been filed on their behalf in this case and as such, the Defendant should be deemed by the clerk to be in default.

Firefly Travel Corp


4. Firefly Travel Corp. was served via registered agent, Incorp Services on 9/2/2016 . Proof of service is on file with the court, docket item 10. Service was completed on Jeff Nahom,

registered agent and corporate officer at 1515 S. Federal Highway, ste 212, Boca Raton, FL 33432.

5. To date, no answer or other pleading has been filed on their behalf in this case and as such, the Defendant should be deemed by the clerk to be in default.

Conclusion

6. For the foregoing reasons, the Plaintiff requests the clerk enter default against the above named defendants.



Craig Cunningham
Plaintiff, Pro-se
5543 Edmondson Pike, ste 248
Nashville, TN 37211
1/3/2016
615-348-1977

United States District Court
Middle District Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.

CIVIL ACTION NO. 3:16-cv-02285

) First Class Vacations, Inc, Rebecca Nahom, Firefly Travel Corp. Peter Tolman dba
Leads Direct Marketing, and Peter Tolman

) John/Jane Doe 1-10

) Defendants.

)

) Defendants.

Order on a motion

The Plaintiff's Motion for entry of Default is Granted/Denied

Clerk _____

Date _____

United States District Court
Middle District Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.
)

CIVIL ACTION NO. 3:16-cv-02285

) First Class Vacations, Inc, Rebecca Nahom, Firefly Travel Corp. Peter Tolman dba
Leads Direct Marketing, and Peter Tolman

) John/Jane Doe 1-10

) Defendants.

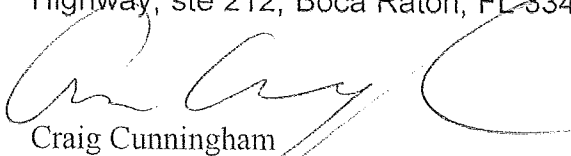
)

) Defendants.

Certificate of Service

I certify that a true copy of the foregoing was mailed on 1/3/2016 via USPS first class mail to:

Firefly Travel Corp., Rebecca Nahom, and First Class Vacations, inc., : 1515 S. Federal
Highway, ste 212, Boca Raton, FL 33432.



Craig Cunningham

5543 Edmondson Pike, ste 248

Nashville, TN 37211

615-348-1977

1/3/2016

Transaction Details

Your account has open issues. [Click to Resolve or Check Status](#)

Payment to Granite Enterprises

Manage my transaction

[Contact seller](#)

[Report unauthorized transaction](#)

You have until 3/29/2017 12:09 EDT to [notify the seller](#) directly about any problems with this order.
See the [Purchase Protection Policy](#) for more details.

Payment Sent (Unique Transaction ID # 049440489Y9439210)

Business Name: Granite Enterprises (The recipient of this payment is Verified)

Email: bigcraig79@gmail.com

Amount sent: -\$1,000.00 USD

Fee amount: \$0.00 USD

Net amount: -\$1,000.00 USD

Date: Sep 30, 2016

Time: 12:09:35 EDT

Status: Completed

Subject: You have sent \$1,000.00 USD to Granite Enterprises with PayPal

Funding Type: PayPal Balance

Funding Source: \$1,000.00 USD - PayPal Account

[Return to Account Overview](#)



Jeff Nahom <jeffnahom@gmail.com>

Cunningham v Firefly travel

6 messages

Craig <projectpalehorse@hushmail.com>
To: jeffnahom@gmail.com

Tue, Sep 27, 2016 at 1:41 PM

For the telemarketer: I need to get the name, phone number, email address, website, physical address if available, records of payment and all other info plus a sworn statement where you state that you used their services.

I need to know your vacation partners, such as hotels.com that you used to book travel.

I need your financials for your company and you personally, such as the last 6 months of bank statements.

bigcraig79@gmail.com is my paypal account

Some good reading for this:

<http://www.donotcallprotection.com/blog/b2b-scrub-cell-phones-dnc-tcpa-compliance>

Jeff Nahom <jeffn@firstclassvacations.com>
To: Craig <projectpalehorse@hushmail.com>

Tue, Sep 27, 2016 at 5:35 PM

Craig,

My bookkeeper said he will have 6 months financials ready tomorrow morning. i will send them over early tomorrow and my personal acct. as well. I appreciate your willingness to work with me. Thanks.

Jeff Nahom

CEO

FIRST CLASS
— VACATIONS —

1515 S Federal Hwy | Suite #212 | Boca Raton, FL 33432

P: 1 (800) 650-5124 ext.340 | F: (561) 394-6452

www.firstclassvacations.com

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[Quoted text hidden]

Craig <projectpalehorse@hushmail.com>
To: Jeff Nahom <jeffn@firstclassvacations.com>

Wed, Sep 28, 2016 at 12:02 AM

Sounds good. I've attached a draft of the settlement agreement.

Sent using Hushmail

On 9/27/2016 at 4:35 PM, "Jeff Nahom" <jeffn@firstclassvacations.com> wrote:

Craig,

My bookkeeper said he will have 6 months financials ready tomorrow morning. i will send them over early tomorrow and my personal acct. as well. I appreciate your willingness to work with me. Thanks.

Jeff Nahom

CEO

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For the telemarketer: I need to get the name, phone number, email address, website, physical address if available, records of payment and all other info plus a sworn statement where you state that you used their services.

I need to know your vacation partners, such as hotels.com that you used to book travel.

I need your financials for your company and you personally, such as the last 6 months of bank statements.

bigcraig79@gmail.com is my paypal account

Some good reading for this:

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SETTLEMENT AND RELEASE AGREEMENT Jeff Nahom.doc
25K

Jeff Nahom <jeffn@firstclassvacations.com>

Tue, Oct 18, 2016 at 1:05 PM

To: Craig <projectpalehorse@hushmail.com>

Craig,

What is your # again? It sounded like 615-348-4977 but that's not working.

Jeff Nahom

CEO

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On Tue, Sep 27, 2016 at 1:41 PM, Craig <projectpalehorse@hushmail.com> wrote:
[Quoted text hidden]

Craig <projectpalehorse@hushmail.com>
To: Jeff Nahom <jeffn@firstclassvacations.com>

Tue, Oct 18, 2016 at 1:09 PM

Yes, that is it. My phone has been acting up lately. I'll try you again in a few minutes

Sent using Hushmail

On 10/18/2016 at 12:05 PM, "Jeff Nahom" <jeffn@firstclassvacations.com> wrote:

Craig,

What is your # again? It sounded like 615-348-4977 but that's not working.

Jeff Nahom

CEO

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I need to know your vacation partners, such as hotels.com that you used to book travel.

I need your financials for your company and you personally, such as the last 6 months of bank statements.

bigcraig79@gmail.com is my paypal account

Some good reading for this:

<http://www.donotcallprotection.com/blog/b2b-scrub-cell-phones-dnc-tcpa-compliance>

Craig <projectpalehorse@hushmail.com>
To: Jeff Nahom <jeffn@firstclassvacations.com>

Tue, Oct 18, 2016 at 1:09 PM

You can also try 615-212-9191

Sent using Hushmail

On 10/18/2016 at 12:05 PM, "Jeff Nahom" <jeffn@firstclassvacations.com> wrote:

Craig,

What is your # again? It sounded like 615-348-4977 but that's not working.

Jeff Nahom

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I need to know your vacation partners, such as hotels.com that you used to book travel.

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bigcraig79@gmail.com is my paypal account

Some good reading for this:

<http://www.donotcallprotection.com/blog/b2b-scrub-cell-phones-dnc-tcpa-compliance>



Jeff Nahom <jeffnahom@gmail.com>

Craig Cunningham.pdf - Request for access

2 messages

Craig C (via Google Drive) <bigcraig79@gmail.com>

Fri, Sep 30, 2016 at 3:42 PM

Reply-To: Craig C <bigcraig79@gmail.com>

To: jeffnahom@gmail.com

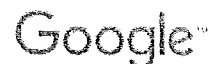
Craig C is **requesting access** to the following PDF:

 Craig Cunningham.pdf

[Open sharing settings](#)

Google Drive: Have all your files within reach from any device.

Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA



Craig C (via Google Drive) <bigcraig79@gmail.com>

Fri, Sep 30, 2016 at 3:51 PM

Reply-To: Craig C <bigcraig79@gmail.com>

To: jeffnahom@gmail.com

Craig C is **requesting access** to the following PDF:

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[Open sharing settings](#)

Google Drive: Have all your files within reach from any device.

Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA





Jeff Nahom <jeffnahom@gmail.com>

Craig Cunningham

8 messages

Jeff Nahom <jeffn@firstclassvacations.com>

Fri, Sep 30, 2016 at 3:40 PM

To: Craig <projectpalehorse@hushmail.com>

Bcc: jeff nahom <jeffnahom@gmail.com>

Please find attached documents per our phone conversation.



Craig Cunningham.pdf

Jeff Nahom

CEO

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Craig <projectpalehorse@hushmail.com>

Fri, Sep 30, 2016 at 3:42 PM


To: Jeff Nahom <jeffn@firstclassvacations.com>

I think you need to grant me access. I just sent the request over to you

Sent using Hushmail

On 9/30/2016 at 2:40 PM, "Jeff Nahom" <jeffn@firstclassvacations.com> wrote:

Please find attached documents per our phone conversation.

 Craig Cunningham.pdf

Jeff Nahom

CEO

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Jeff Nahom <jeffn@firstclassvacations.com>
To: Craig <projectpalehorse@hushmail.com>

Fri, Sep 30, 2016 at 3:49 PM

Jeff Nahom

CEO

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[Quoted text hidden]



Craig Cunningham.pdf
1130K

Craig <projectpalehorse@hushmail.com>
To: Jeff Nahom <jeffn@firstclassvacations.com>

Fri, Sep 30, 2016 at 3:52 PM

I think you need to grant access for the first pdf file. I can't open it

Sent using Hushmail

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Craig Cunningham.pdf

Jeff Nahom

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Jeff Nahom <jeffn@firstclassvacations.com>
To: Craig <projectpalehorse@hushmail.com>

Fri, Sep 30, 2016 at 4:04 PM

Were you able to access the pdf?

Jeff Nahom

CEO

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[Quoted text hidden]

Craig <projectpalehorse@hushmail.com>
To: Jeff Nahom <jeffn@firstclassvacations.com>

Fri, Sep 30, 2016 at 4:15 PM

Yes I got it, thanks. I was able to talk with Pete Tolman. You referred me if he asks and I am selling supplements.

Sent using Hushmail

On 9/30/2016 at 3:04 PM, "Jeff Nahom" <jeffn@firstclassvacations.com> wrote:

Were you able to access the pdf?

Jeff Nahom

CEO

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On Fri, Sep 30, 2016 at 3:52 PM, Craig <projectpalehorse@hushmail.com> wrote:

I think you need to grant access for the first pdf file. I can't open it

Sent using Hushmail

On 9/30/2016 at 2:40 PM, "Jeff Nahom" <jeffn@firstclassvacations.com> wrote:

Please find attached documents per our phone conversation.

Craig Cunningham.pdf

Jeff Nahom

CEO

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Jeff Nahom <jeffnahom@gmail.com>
To: Craig <projectpalehorse@hushmail.com>

Fri, Sep 30, 2016 at 4:17 PM

Ok

Sent from my iPhone

On Sep 30, 2016, at 4:15 PM, Craig <projectpalehorse@hushmail.com> wrote:

Yes I got it, thanks. I was able to talk with Pete Tolman. You referred me if he asks and I am selling supplements.

Sent using Hushmail

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Jeff Nahom

CEO

<image001.jpg>

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<image002.png> <image003.png> <image004.png> <image005.png> <image006.png>

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<image001.jpg>

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<image002.png> <image003.png> <image004.png>

<image005.png> <image006.png>

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Craig <projectpalehorse@hushmail.com>
To: Jeff Nahom <jeffnahom@gmail.com>

Mon, Oct 17, 2016 at 10:17 AM

Jeff,

One thing Peter Tolman mentioned was that he had to setup a profile for me in some dialing platform. Was that dialer.to? Do you still have access to that dialing platform? Do you remember the website that you used for dialing?

Sent using Hushmail

[Quoted text hidden]

[Quoted text hidden]

Owner is Pete Tolman

Email: leadsdirect@yahoo.com

His website used to be leadsdirect.com but I don't see it anymore.

Phone # 925-783-9201

SETTLEMENT AND RELEASE AGREEMENT

In consideration of the sum of **\$1,000**, receipt of which is hereby acknowledged, CRAIG CUNNINGHAM (*Plaintiff*) hereby forever releases, waives and discharges Jeff Nahom (*Defendant*) from any and all claims, demands, actions, causes of action, known or unknown, suspected or unsuspected, relating in any manner whatsoever to that certain incident including, without limitation, all of those matters which were raised or could have been raised in that certain action pending in the United States District Court for the Middle District of Tennessee, as Civil Action Number 3:16-cv-02285, entitled Craig Cunningham v. First Class Vacations Inc. et al.

The Plaintiff further agrees to the special considerations which follow:

1. The Plaintiff acknowledges that the payment of the sum of **\$1,000** and other consideration given in connection with this General Release are the result of a compromise and settlement of disputed claims, and shall never at any time or for any purpose be considered an admission of liability or responsibility on the part of any of the parties herein released.
2. The Plaintiff agrees that this Settlement and Release Agreement is intended to be a general release and settlement of all claims, demands, actions, causes of action, known or unknown, suspected or unsuspected, relating to the incident and matters described in Plaintiff's complaint.
3. The Plaintiff represents that he is the sole possessor of the claims or causes of action being released, and that he has not assigned or otherwise transferred said claims or causes of actions.
4. The Plaintiff agrees that he will not, at any time hereafter, commence, maintain or prosecute any action, at law or otherwise, or assert any claim against the parties herein released, for damages, losses or for equitable relief relating to matters herein released.
5. The Plaintiff hereby authorizes and directs his respective attorneys to dismiss claims against defendant with prejudice Civil Action Number 3:16-cv-02285 pending in the United States District Court for the Middle District of Tennessee, entitled Craig Cunningham v. First Class Vacations Inc. et al.
6. The Plaintiff hereby acknowledges and agrees that all parties to this agreement shall bear their own attorney fees and costs in connection with said lawsuit, including the compromise settlement and release.
7. The Plaintiff understands and agrees that this Settlement and Release Agreement sets forth the full and complete agreement of the parties, and that no statements or representations, other than those contained herein, have been made or relied upon by the Plaintiff as an inducement for executing this Agreement.


8. The Plaintiff agrees that this Settlement and Release Agreement shall bind and be binding upon his heirs, personal representatives, spouse, executors, administrators, and assigns, and shall inure to the benefit of their agents, employees, servants and successors.
9. The Plaintiff hereby acknowledges that upon signing, he had discussed this Settlement and Release Agreement with his counsel, who has explained this document, and the undersigned acknowledges that he understands all of the terms and conditions of this Agreement and that this is a total and final settlement and compromise of all claims being released.
10. The Plaintiff agrees that the terms, documents or information obtained under, financial conditions and negotiations leading to this Settlement and Release Agreement are strictly confidential. Notwithstanding the above, the Parties may disclose the settlement agreement to their spouse(s), registered domestic partners, immediate family members, attorneys and tax advisors, accountants and/or financial advisors, tax authorities, any lender, creditor or credit reporting bureau or in response to a valid subpoena or as required by law. Those individuals shall be advised that this Confidentiality provision applies to any such disclosure, and the Parties agree to secure the non-parties' agreement not to divulge such information. The Parties agree to use their best efforts to prevent any prohibited disclosure. Should any of the foregoing individuals disclose any term(s) of this Agreement to any other person, such disclosure shall be considered a material breach of this Settlement and Release Agreement. Finally, if asked about the matter by anyone not covered by this Confidentiality provision, the Parties will be limited to the unembellished response, "the matter has been resolved" and "I am not at liberty to discuss it" or words to that effect.
11. The Defendant agrees to provide Plaintiff a sworn affidavit detailing the flow of the payments to the telemarketers and details of the interaction between Jeff Nahom and the telemarketers hired by First Class vacations or Firefly Travel Corp to place calls to the Plaintiff, emails, phone numbers, the name, address, website and phone number of the person/entity that was paid for these telemarketing services.
15. The Defendant agrees, to extent it is possible and he is capable, to provide Plaintiff with all records of communication between the parties involved in this case including the telemarketers that were hired to place calls to the Plaintiff.
16. The Defendant agrees to provide Plaintiff with information regarding the Phone Company that ultimately placed calls to Plaintiff's telephone numbers.
18. The Defendant agrees to provide continuing cooperation to Plaintiff in furnishing names of other relevant parties, and information regarding this case.
19. This Settlement and Release Agreement shall be deemed to have been entered into and shall be construed and enforced in accordance with the laws of the State of Tennessee as applied to contracts made and to be performed entirely within Tennessee. Any disputes arising out of or

in any way related to this Settlement and Release Agreement shall be resolved in the Middle District of Tennessee.

20. The Parties hereby agree that in the event any party brings an Action to interpret or enforce this Settlement and Release Agreement, the prevailing party is entitled to reasonable attorneys' fees and costs.

DATED: 9/30/16, 2016

CRAIG CUNNINGHAM, PLAINTIFF



JEFF NAHOM, DEFENDANT

United States District Court
Middle District Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.

CIVIL ACTION NO. 3:16-cv-02285

) First Class Vacations, Inc, Rebecca Nahom, Firefly Travel Corp. Peter Tolman
dba Leads Direct Marketing, and Peter Tolman

) John/Jane Doe 1-10
) Defendants.

Plaintiff's Motion for 10 subpoenas

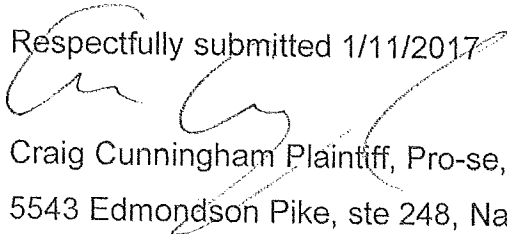
1. The Plaintiff requests 10 subpoenas to assist in effectuating service of Process on Peter Tolman.
2. The Plaintiff has attempted to serve Defendant Peter Tolman via certified mail and with a process server and has been unable to locate the defendant through traditional means.
3. The Plaintiff notes that Peter Tolman has been sued multiple times by state Attorneys General offices and has multiple judgments and liens against him personally totaling well into the millions of dollars.¹²
4. The Plaintiff believes the defendant is actively evading service and is on the run due to the millions of dollars in judgments against him, but still continues to operate his business.
5. The Plaintiff requests 10 subpoenas to help effectuate service and identify where Defendant Peter Tolman may be served.

¹State of Kansas v. Peter B. Tolman, II d/b/a Leads Direct Marketing Shawnee County, 2014-CV-001216, judgment for \$311, 500.

²State of Indiana v Peter B. Tolman, 49D06-1410-MI-034230, Judgment for \$2,499,531

6. The Plaintiff anticipates sending 3-5 subpoenas to phone companies utilized by Peter Tolman and 2-4 Subpoenas to the domain hosts for websites operated by Peter Tolman, and possibly to several banks used by Peter Tolman.

Respectfully submitted 1/11/2017


Craig Cunningham Plaintiff, Pro-se, 615-348-1977

5543 Edmondson Pike, ste 248, Nashville, TN 37211

United States District Court
Middle District Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.

CIVIL ACTION NO. 3:16-cv-02285

) First Class Vacations, Inc, Rebecca Nahom, Firefly Travel Corp. Peter Tolman
dba Leads Direct Marketing
) John/Jane Doe 1-10
) Defendants.

Plaintiff's Certificate of Service

1. I certify that a true copy of the foregoing was mailed to the defendants in this case via USPS first class mail on 1/11/2017 to:
2. First Class Vacations, Inc, Firefly Travel Corp., Rebecca Nahom at 1515 S. Federal Highway, ste 212 Boca Raton, FL 33432.


Craig Cunningham

5543 Edmondson Pike, ste 248

Nashville, TN 37211

615-348-1977

Middle District Tennessee

) Craig Cunningham
) Plaintiff, Pro-se
)

) v.

CIVIL ACTION NO. 3:16-cv-02285

) First Class Vacations, Inc, Rebecca Nahom, Firefly Travel Corp. Peter Tolman
dba Leads Direct Marketing
) John/Jane Doe 1-10
) Defendants.

Order

On the Plaintiff's Motion for 10 subpoenas, the motion is hereby Granted/Denied

Judge_____

Date_____

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 DATE OF DELIVERY SPECIFIED*

 USPS TRACKING™ INCLUDED*

 INSURANCE INCLUDED*

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* Domestic only

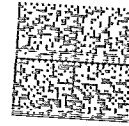
WHEN USED INTERNATIONALLY,
A CUSTOMS DECLARATION
LABEL MAY BE REQUIRED.

First Class Vacations
1515 S Federal Hwy Suite 212
Boca Raton FL 33432

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IN CLERK'S OFFICE
JAN 27 2017
U.S. DISTRICT COURT
MID. DIST. TENN.**

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801 Broadway, Room 800
Nashville TN 37203




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